

DECLARATORY

Improvement Res. No. 1061-1961

For the Condemnation of a permanent right of way
for sewer easement and utility purposes across
parts of Lots 4 and 5 in Sylvan Park Addition
Section "A" to the City of Fort Wayne, Indiana.

Resolution Adopted:

July 10, 1961

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

August 24, 1961

1061

DECLARATORY RESOLUTION NO. 1061-1961

For the Condemnation of a permanent right of way for sewer easement and utility purposes across parts of Lots 4 and 5 in Sylvan Park Addition Section "A" to the City of Fort Wayne, Indiana.

PLANS ORDERED:

ADOPTED:

July 10, 1961

ADVERTISE NOTICE TO PROPERTY OWNERS: July 13 and 20, 1961

HEARING ON CONFIRMATION: Thurs., August 3, 1961 3:30 p. m.

CONFIRMED:

August 3, 1961

ASSESSMENT ROLL ORDERED:

August 3, 1961

ASSESSMENT ROLL APPROVED:

August 9, 1961

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Thurs., August 24, 1961, 3:30 p. m.

NOTICE SERVED:

August 11, 1961

ASSESSMENT ROLL CONFIRMED:

August 24, 1961

1061
DECLARATORY RESOLUTION No. _____ 1961

For the Condemnation of a permanent right of way for sewer easement and utility purposes across parts of

Lots 4 and 5 in Sylvan Park Addition Section "A" to the City of Fort Wayne, Indiana.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn a permanent right of way for sewer and utility purposes across the following described real estate in Allen County, Indiana:

The West 7 feet of Lot 4 and the East 7 feet of Lot 5, all in Sylvan Park Addition, Section "A", to the City of Fort Wayne, Indiana;

except for that part thereof recorded as permanent easements for sewer and utility purposes.

All as shown by a plan of such proposed Condemnation of right of way for utility purposes as above described now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana.

The cost of said Condemnation of right of way for sewer easement and utility purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Condemnation of right of way for sewer easement and utility purposes is described as follows:

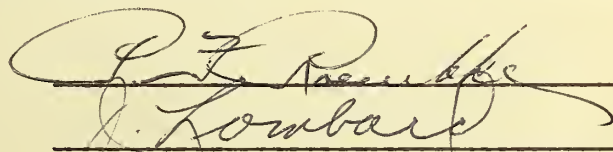
Lots 4 and 5 in Sylvan Park Addition Section "A" to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporation," as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five percent (5%) per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All Proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

All streets, lots and land affected by the above described Condemnations are situated in the Northeast $\frac{1}{4}$, Section 25, Township 30 North, Range 12 East, and lying wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 10 DAY OF July 1961.



BOARD OF PUBLIC WORKS

ATTEST:



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hooking W

City of Fort Wayne



ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

August 24, 1961

Board of Public Works
City Hall

Subject: Resolution #692 - Sanitary Sewer to Serve Paulding Road from Smith Street to Anthony Boulevard

Gentlemen:

At the first condemnation hearing on August 3, 1961, an objection was raised to the line where the above sanitary sewer commences and proceeds north, by Mr. Richard F. Payne, who lives on Lot 5, Sylvan Park Addition.

The objection was that Mr. Payne did not receive any direct benefit from the sewer and that it would cost some \$800 to replace shrubs, etc. that he had on his property line where we wanted the easement. You suggested that we contact the property owner of Lot 4, to see if he would have any objection to us moving the sewer over on his lot as Mr. Payne had an option to buy 20 feet off this particular lot. My staff and I on various occasions have been out to Lot 4, but have not managed to contact the property owner.

On reviewing, I do not like to alter the position of the sewer and still think that we should proceed with the original land that we want to condemn. When we drew up plans for the project under Resolution #635, we did have Resolution #692 under study at that time and purposely installed a manhole between lots 4 and 5 to accommodate it. If the sewer were to be moved to the east to accommodate Mr. Payne, we would have to install an extra manhole which would amount to some \$300. Instead of doing this, I would sooner compensate Mr. Payne by that amount and suggest that the Board in their findings state that \$300 of injury has been done to his lot instead of \$800 as he mentioned at the last meeting. Photographs of the shrubs that he owns are attached and we intend keeping east of these shrubs and should not destroy very many of them. The figure of \$800 seems high and I think the \$300 figure should be adequate to compensate him. (This would have to be added to the assessments for this project.)

Mr. Payne stated that the main reason for his objection was that he was going to add to the side of his house and it would encroach on the easement. The sewer will be located 30 feet from the east wall of his house and there is no reason why we cannot allow him to build up to within 5 feet of the sewer line and reduce the easement in this area from 7 feet on his side to five feet. This can be done anytime in the future when he wishes to build.

Board of Public Works
Page Two
August 24, 1961

A further point that must be mentioned is that he can tap to this sewer rather than having to go to the one at the rear of his lot. There is a saving of \$100 or so here.

Very truly yours,

A handwritten signature in dark ink, appearing to read "P. S. Sidney-Smith". The signature is fluid and cursive, with the first name "P. S." written in a more compact, stylized manner.

P. S. Sidney-Smith
Chief Sewer Engineer

gk

cc: Mayor Burns
Mr. Edward Green

Sewer
Engineering Department

0 102

Date July 7, 1961

10
NOTED

To: Board of Public Works

Subject: Local Sewer - Resolution #692

☒ P.F.R.
☒ J.D.L.
☒ B.W.

Date 7/10/61

Attached is the Declaratory Resolution for condemnation of easements required for the above mentioned local sewer for your approval and adoption.

gk
Attachments

cc: Mayor Burns
Mr. Edward Green

P. S. Sidney-Smith
P. S. Sidney-Smith
Chief Sewer Engineer

Approved: *Edward Green*
Chief Engineer, City Utilities

1061

RECEIVED
JUL 7 1961

RECEIVED
JUL 7 1961

NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, ... July 18, 1961

1061

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did
pass Improvement/ ^{Declaratory} Resolution No. 1061-1961
providing for the Condemnation of right of way for sewer easement purposes in connection
with Local Sewer Resolution No. 692-1961.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed..... Thursday, August 3, 1961 at 3:30 p.m.
a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

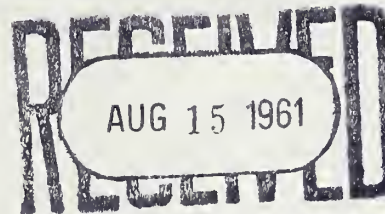
BOARD OF PUBLIC WORKS

JOSEPH CHRISTOFF
RICHARD I. SNOUFFER

CHRISTOFF & SNOUFFER
ATTORNEYS AT LAW
1008 FORT WAYNE BANK BLDG.
FORT WAYNE 2, INDIANA

1.
8-17
TELEPHONES
ANTHONY 8235 AND 8236

August 14, 1961



Board of Public Works
City Hall
Fort Wayne, Indiana

NOTED

☐ P.F.R.
☐ J.D.L.
☐ B.W.

Re: Mr. Richard Payne
1626 Paulding Road
Fort Wayne, Indiana

Date file

Declaratory Resolution No. 1061

Gentlemen:

The above captioned, my clients, Mr. and Mrs. Payne, are the owners of Lot 5 in Sylvan Park Addition, Section 5. Pursuant to the above resolution, it is apparently your intention to create an easement over the east 7 feet of this lot for laying in a sewer.

There is presently existing a sewer easement over parts of Lots 5, 6 and 7. It also appears there will be an extension of the sewer easement along the Payne lot to service Lots 1, 2, 3, 26, 27, 28, and 29.

It appears that it is not necessary to have this easement go over Lot 5 and there will be no benefit to the owners of Lot 5.

It would appear that the easement should be put over Lots 3 and 4 on a straight line through Lot 29.

It does not appear that there is any necessity for the proposed taking under Declaratory Resolution No. 1061.

Please advise me as to the status of this matter.

Very truly yours,

CHRISTOFF, SNOUFFER & LEMASTER

By: Joseph Christoff
Joseph Christoff

JC:ld

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

43-191-2

Date August 3, 1961

B. O. 102-'61

To City Engineer

Subject Dec. Res. No. 1061-1961 Condemnation for sewer easement.

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke
John D. Lombard
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List
cc: Mayor Burns

NOTED

☐ P.F.R.
☐ J.D.L.
☐ B.W.

Signed _____

Reply:

Date _____

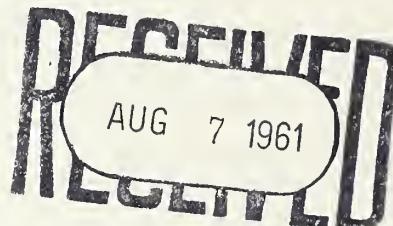
August 7, 1961

Assessment Roll of Benefits and Damages completed and attached.

A handwritten signature in cursive script, reading "Edward Green".

Edward Green,
City Engineer

DEB/is
attachs.



Signed _____

Improvement Resolution No. ¹⁰61-1961 For The CONDEMNATION OF RIGHT-OF-WAY FOR SEWER EASEMENT PURPOSES IN CONNECTION WITH LOCAL SEWER RESOLUTION NO. 692-1961

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1							
2	BOSSEMAN, JOHN E. & SUSIE L.	1712 Building Rd		4			SYLVAN PARK ADD., SEC. "A"
3	PAYNE, RICHARD F. & DORIS C.	1626 " "		5			"
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58	NOTICES MAILED OR SERVED						
59	July 18, 1961						
60	By Beryl Redding						
61	N. to P.O.						
62							
63							
64							
65							
TOTAL							

NOTICES MAILED OR SERVED

July 18, 1961

By Beryl Redding

N. to P.O.

TOTAL

7-18-61

